Ч

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/663,601	09/18/2000	Jim B. Estipona	INTL-0450-US(P9561)	4352

	7590	08/12/2004

Timothy N Trop
Trop Pruner & Hu PC
8554 Katy Freeway
Ste. 100
Houston, TX   77024

EXAMINER
HUYNH, SON P

ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 08/12/2004

2

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/663,601	ESTIPONA, JIM B.
	Examiner	**Art Unit**
	Son P Huynh	2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 September 2000*.
2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-30* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *18 September 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

2.   Claims 1, 4-8, 10, 13-15, 17-22, 25-27, 29-30 are rejected under 35

U.S.C. 102(e) as being anticipated by Feinleib (US 6,637,032).

Regarding claim 1, Feinleib teaches a method comprising:

transmitting an enhanced television program (col. 4, line 65-col. 5, line 67);

transmitting a real time event that indicates the end of the program (e.g. transmitting

enhancing content that lunch an electronic e-mail near the end of the program, to gather

feedback from the viewing audience regarding the issue discussed on the show – col. 6,

lines 10-22).

Regarding claim 4, Feinleib teaches transmitting the real time event through an Internet

Protocol multicast (col. 9, lines 42-47, col. 12, lines 1-40).

Regarding claim 5, Feinleib teaches transmitting a real time event including transmitting a trigger (col. 8, lines 35-40, col. 12, lines 27-39).

Regarding claim 6, Feinleib teaches transmitting a trigger includes transmitting a trigger with a Uniform Resource Locator (col. 8, lines 35-40, col. 12, lines 27-39).

Regarding claim 7, Feinleib discloses the supplemental content such as URL, trigger, or application can be embedded in the closed captioning script of primary data and broadcast over the broadcast network used to carry the primary content (col. 7, lines 42-67, col. 9, lines 40-67). Inherently, transmitting a Uniform Resource Locator includes transmitting a Uniform Resource Locator using the tv: protocol.

Regarding claim 8, Feinleib teaches transmitting a real time event (e.g. electronic mail) that warns that the end of a program is approaching (col. 6, lines 10-22).

Regarding claim 10, Feinleib teaches a method comprising:
transmitting an enhanced television program (col. 4, line 65-col. 5, line 67);
transmitting a real time event that indicates the end of the program (e.g. transmitting enhancing content that lunch an electronic e-mail near the end of the program, to gather feedback from the viewing audience regarding the issue discussed on the show – col. 6,

lines 10-22). Inherently, the article comprising medium storage instructions is comprised

so that a processor automatically performs the procedures.

Regarding claims 13-14, the limitations of an article as claimed correspond to the

limitations of the method as discussed in the rejection of claims 5,8 respectively, and

are analyzed as discussed with respect to the rejection of claims 5,8.

Regarding claim 15, the limitations of the article as claimed correspond to the limitations

of the method as claimed in claims 6, 7, and are analyzed as discussed with respect to

the rejection of claims 6 and 7.

Regarding claim 17, Feinleib discloses program enhancement producer (50), for

creating enhancing content, comprises a processor 52, volatile memory 54 (e.g. RAM),

and program memory 56 (figures 2-5 and col. 6, line 42-col. 7, line 67). The enhancing

content is to launch an application, such as electronic mail, near the end of the show, to

gather feedback from the viewing audience regarding the issued discussed on the show

(col. 6, lines 10-22). Inherently, the system comprising:

a processor-based device (52);

a storage (54, 56) coupled to the processor based device storing information

instructions that enable the processor based device to transmit a real time event (e.g.

electronic mail) that indicates the end of an enhanced television program.

Regarding claims 18-21, the limitations of the system as claimed correspond to the limitations of the article as claimed in claims 13, 15, 14, 16 respectively, and are analyzed as discussed with respect to the rejection of claims 13, 15, 14, 16.

Regarding claim 22, Feinleib discloses the client 22 receives the primary program and enhancing content, the received enhanced program is parsed to identify the enhancing content in the enhanced program (figures 6-8 and col. 10, line 17- col. 12, line 40). The enhancing content is to launch an application, such as electronic e-mail, near the end of the show for gather feedback from the viewing audience regarding the issues discussed in the show. The viewer can add command and send the e-mail message to the program producer immediate feedback (col. 6, lines 10-22). Inherently, Feinleib teaches a method comprising: receiving an enhanced television program; and identifying a real time event that indicates the end of the program (e.g. electronic mail provided near the end of the show).

Regarding claim 25, Feinleib teaches listening for a trigger with a Uniform Resource Locator using the tv: protocol (figures 6-8 and col. 7, lines 40-67, col. 8, lines 35-40, col. 9, lines 40-67, col. 11, line 27-12, line 47).

Regarding claim 26, the limitations as claimed correspond to the limitations as claimed in claim 8, and are analyzed as discussed in the rejection of claim 8.

Regarding claim 27, the limitations of the article correspond to the limitations of the

method as discussed in the rejection of claim 22. Inherently, the article comprises

medium storing instructions is comprised for the processor to automatically perform the

procedures of the method.

Regarding claim 29, Feinleib teaches a system comprising:

a processor based device (e.g. 92, 104, 106 – figure 6); and

a storage (94, 96 – figure 6) coupled to the processor based device storing instructions

that enable the processor based device to identify a real time event (e.g. enhancing

content such as electronic mail – col. 6, lines 10-22) that indicates the end of an

enhanced television program (e.g. television show).

Regarding claim 30, the limitations as claimed correspond to the limitations of claim 26,

and are analyzed as discussed with respect to the rejection of claim 26.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 2-3, 9, 11-12, 16, 23-24, 28 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Feinleib (US 6,637,032) and in view of Alexander (US 6,177,931).

Regarding claim 2, Feinleib teaches a method as discussed in the rejection of claim 1.

Feinleib further discloses displaying enhancing content is timely displayed a certain

juncture of the primary content. The enhancing content can be overlaid atop the primary

content (col. 5, lines 45-67). However, Feinleib does not specifically disclose full screen

display of television.

Alexander teaches displaying television in full screen (col. 4, lines 15-27, col. 6, lines

65-67, col. 7, lines 34-45, col. 10, lines 5-12). Therefore, it would have been obvious to

one of ordinary skill in the art at the time the invention as made to modify Feinleib to use

the teaching as taught by Alexander to allow viewer to watch the television program

easily.

Regarding claim 3, Alexander display screen of a receiver to displaying at least two

frames (col. 14, line 47-col. 15, line 31, figure 1), only one of the frames being a

television display and selectively causing the screen to transition to a full screen

television display in response to the real time event (e.g. automatically tune to a

scheduled channel, or return to full screen – col. 4, lines 15-27, col. 10, lines 1-12, col.

14, line 47-col. 15, line 31).

Regarding claim 9, Feinleib teaches a method as discussed in the rejection of claim 1. However, Feinleib does not specifically enabling the user to elect to retain enhancement after receiving the real time event.

Alexander teaches enabling the user to elect to retain enhancement after receiving the real time event (e.g. user indicates the user does not want to watch the program, the screen continues to display the data being displayed before receiving on screen notification – col. 14, line 48-col. 15, line 31). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Feinleib to use the teaching as taught by Alexander in order to prevent interrupting data being watched on the display.

Regarding claims 11-12 and 16, the limitations of the article correspond to the limitations of the method as discussed in the rejection of claims 2-3, 9, and are analyzed as discussed with respect to the rejection of claims 2-3 and 9.

Regarding claims 23-24, the limitations as claimed correspond to the limitations as claimed in claims 2-3, and are analyzed as discussed with respect to the rejection of claims 2-3.

Regarding claim 28, the limitations of the article as claimed correspond to the limitations of the method as claimed in claim 23, and are analyzed as discussed with respect to the rejection of claim 23.

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Birdwell et al. (US 6,108,706) teaches transmission announcement system and method

for announcing upcoming data transmission over a broadcast network.

Shoff et al. (US 6,240,555) teaches interactive entertainment system for presenting

supplemental interactive content together with continuous video programs.

Lemmons et al. (US 6,442,755) teaches electronic program guide using markup

language.

Thomas (US 6,502,243) teaches method and system for locating a resource within a

broadcasting environment.

Fisher et al. (US 6,281,877) teaches control interface.

Kikinis (US 6,205,485) teaches simulcast web page delivery using a 3D user interface

system.

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Son P Huynh whose telephone number is 703-305-

1889. The examiner can normally be reached on 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Son P. Huynh
August 6, 2004

HAI TRAN
PATENT EXAMINER